

### **REMARKS**

This paper is responsive to the Office Action mailed July 13, 2005. A three month extension of time and appropriate fee is being submitted herewith to extend the time to which a response may be filed to Jan. 13, 2006. Claims 1-23 are pending in the application and all stand rejected.

#### **Rejection Under 35 U.S.C. §102(e)**

The undersigned initially wishes to express his appreciation for the withdrawal of the "finality" of the status of the previously transmitted amendment.

Claims 1-21 and 23 stand rejected under 35 U.S.C. §102(e) in view of U.S. Patent No. 6,807,538 to Weinberger et al (hereafter "Weinberger et al"). It will be noted that Weinberger et al has an effective date of May 26, 1998.

In response to this rejection, a declaration under 37 C.F.R. §1.131 is being submitted to show conception of the subject matter of the present application prior to May 26, 1998, and diligence from just prior to May 26, 1998 to approximately November of 1998, which is the "built date" mentioned on the previously submitted Invention Disclosure. If after reviewing the accompanying declaration under 37 C.F.R. §1.131, the Examiner believes additional supporting documentation is necessary, the undersigned will attempt to provide same on an expedited basis.

In view of the accompanying declaration, reconsideration and withdrawal of the rejections of claims 1-21 and 23 is respectfully requested.

**Rejection Under 35 U.S.C . §103**

Claim 22 was rejected as being unpatentable over Weinberger et al, as applied to claim 21, in view of U.S. 6,807,538 to Martin et al. In view of the declaration being filed herewith, it is believed that Weinberger et al is not longer statutory prior art to the subject matter of the present application, and that this rejection has been rendered moot. Reconsideration is respectfully requested.

**CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 13, 2006

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